

## **BOARD OF APPEALS**

Bill Beckwith  
Therol Brown  
Marsha A. Hopkins  
John Tate  
Tom Waller

## **STAFF**

Pete Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator

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### **AGENDA**

**Fayette County Zoning Board of Appeals**  
**Fayette County Administrative Complex**  
**Public Meeting Room**  
**April 24, 2017**  
**7:00 P.M.**

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1. Consideration of the Minutes of the Meeting held on March 27, 2017.

## **PUBLIC HEARING**

2. Consideration of Petition No. A-646-17, Mary Frances Butler, Owner, and Jay McCoy, Agent, requests the following: Variance to Sec. 110-125 to reduce side yard setback from 50 feet to nine (9) feet to allow an existing accessory structure to remain. The subject property is located in Land Lot 118 of the 4th District and fronts on Lowery Road.
3. Consideration of Petition No. A-648-17, Morten Buch & Michael J. Taylor, Owners, requests the following: Variance to Sec. 110-137 to reduce side yard setback from 15 feet to five (5) feet to allow the construction of a detached accessory structure.

***Petitioners request withdrawal from variance A-648-17.***

4. Consideration of Petition No. A-649-17, Thomas Lynch, Owner, and Oliver & Della DeHart, Agents, requests the following: Variance to Section 110-79. (d) Location on lot. To allow the construction of a detached accessory structure located in the front yard.
5. Consideration of Petition No. A-650-17, Kent M. Leonard, Owner, requests the following: Variance to Section 110-79. (f) (5) to reduce rear yard setback from 30 feet to 11 feet to allow the construction of a swimming pool.

**PETITION NO. A-646-17**  
**Mary Frances Butler**  
**7531 Lake Andrea Circle**  
**Mt. Dora FL 32757**  
**Public Hearing Date March 27, 2017**

The subject property is located at 234 Lowery Road, Fayetteville, Georgia 30215 and is zoned Agricultural-Residential (A-R). The applicant is requesting a Variance as follows:

1. Variance to Sec. 110-125.(d)(6) to reduce side yard setback from 50 to nine (9) feet to allow an existing accessory structure to remain

**History:** As a survey for the property was recorded on December 24, 1964, the subject property is a non-conforming lot of record, being approximately two (2) acres in size and A-R requires five (5) acres. Tax Assessor's records indicate that the house was built in 1960 making it non-conforming as well. All building permit records prior 1982 are no longer available as they were destroyed in the Courthouse fire.

A permit was issued for the accessory structure in 1983 (see attached). The plat contained in the building permit file indicates that the accessory structure was to be 60 feet from the side property line. A subsequent survey indicates that the accessory structure is approximately nine (9) feet from the side property line (see attached). The A-R zoning district requires a 50 foot setback from the side property line.

The applicant provides the following information:

**VARIANCE SUMMARY**

**Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.**

New as-built survey has been ordered.

**JUSTIFICATION OF REQUEST**

**The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.**

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

It is a non-conforming property = an old property of 2 acres AR; not the 5 acres standard to the current AR zoning.

Property is not rectangular in shape, but pie or triangle shaped.

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

Both the size (2 acres) and shape (triangle) compress the setbacks that would normally fit within a 5 acre plot.

3. **Such conditions are peculiar to the particular piece of property involved; and,**

Both the size (2 acres) and shape (triangle).

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

Structures on this property have been in place for 10-30 years with no problems or issues arising.

Permits were obtained for all structures built.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

Permits were obtained for all structures built with no complaints or issues arising.

#### **DEPARTMENTAL COMMENTS**

**ENVIRONMENTAL HEALTH:** No objections to variance.

**ENVIRONMENTAL MANAGEMENT:** EMD has not comments.

**FIRE MARSHAL:** The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

**PUBLIC WORKS/ENGINEERING:** There are no Engineering/Public Works issues pertinent to the variance requests for A-646-17, A-647-17, or A-648-17.

**WATER SYSTEM:** No conflict.

# APPLICATION FOR FAYETTE COUNTY BUILDING PERMIT

PERMIT NUMBER 06402 LANDLOT 118  
 PERMIT FEE \$ 89.55 DISTRICT 4th

Sir: I hereby make application for permit to and submit 1 set of construction plans and a landsite plot, drawn to scale as per the County regulations to:

ERECT ☐ MAKE ADDITION TO ☒ MOVE ☐ REMODEL ☐ OTHER \_\_\_\_\_  
 SINGLE FAMILY RES. ☒ MULTI FAMILY RES. ☐ COMMERCIAL BLDG. ☐ ACCESSORY ☒ OTHER & Utility Building

OWNER: James E. Butler, II BUILDER: Same

LOT NO. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOCATION 310 Lowery Road

SUBDIVISION: N/A

REMARKS: They are going to add a 33 x 27 carport & 30 x 30 Utility Building

LOT SIZE: 2 SIZE OF BUILDING: 30 x 30 HEATED SQUARE FEET: 90C  
33 x 27 891 = 1,791 s.f.

NO. OF UNITS 2 STORIES: 1 ROOMS: 1 - Utility Bldg BATHS: N/A FIRE PLACE: \_\_\_\_\_  
2 house

ZONING A-R SETBACKS: FRONT 75 SIDES 50 BACK 100

## BASEMENT:

FULL ☐  
 PART ☐  
 NONE ☒

## ATTIC:

FINISHED ☐  
 UNFINISHED ☐

## WASTE DISPOSAL:

SEPTIC TANK ☐  
 SEWER ☐

## WATER SOURCE:

PUBLIC ☐  
 WELL ☐  
 PRIVATE ☐

## FOOTING:

PLAIN CONCRETE ☒  
 MONOLITHIC POUR ☐  
 OTHER \_\_\_\_\_

## FOUNDATION WALLS

PLAIN CONC. ☒  
 CONC. BLOCK ☐  
 OTHER \_\_\_\_\_

## FLOOR CONST.

WOOD JOIST ☐  
 FLAT SLAB ☒  
 OTHER \_\_\_\_\_

## ROOF CONST.

WOOD RAFTERS ☒  
 WOOD TRUSS ☐  
 OTHER \_\_\_\_\_

## PARTITIONS

WOOD ☐  
 SHEET ROCK ☐  
 OTHER \_\_\_\_\_

## FINISHED FLOOR

CARPET ☐  
 CEMENT ☒  
 OTHER \_\_\_\_\_

## WINDOW SASH

WOOD ☐  
 METAL ☐  
 INSULATED ☐

## CHIMNEY

BRICK ☐  
 STONE ☐  
 PRE-FAB ☐  
 OTHER \_\_\_\_\_

## EXTERIOR WALLS

BRICK ☐  
 CONC. BLOCK ☐  
 WOOD ☒  
 OTHER \_\_\_\_\_

## ROOFING

COMPOSITION ☒  
 METAL ☐  
 WOOD ☐  
 OTHER \_\_\_\_\_

## ELECTRICAL WORK

GA. POWER ☐  
 COWETTA/FAYETTE ☐  
 PLUMBING  
 YES ☐ NO ☒

## HEATING

LP GAS ☐  
 NAT. GAS ☐  
 ELECTRIC ☐  
 OTHER \_\_\_\_\_

6/30/83 Gloria A. Harkin  
 DATE Clerk-Fayette Building Department

NAME: James E. Butler II  
 ADDRESS: 310 Lowery Rd  
 CITY: Fayetteville PHONE: 228-3971

Any building permit shall become void if work involved has not begun within six (6) months after the date of issuance of the permit, or if the work or development authorized by such permit is suspended or abandoned for a period of six (6) months after the work or development is commenced. To update such permit will be an additional fee of \$30.00.







A-646-17

Lowery Road

SUBJECT  
PROPERTY





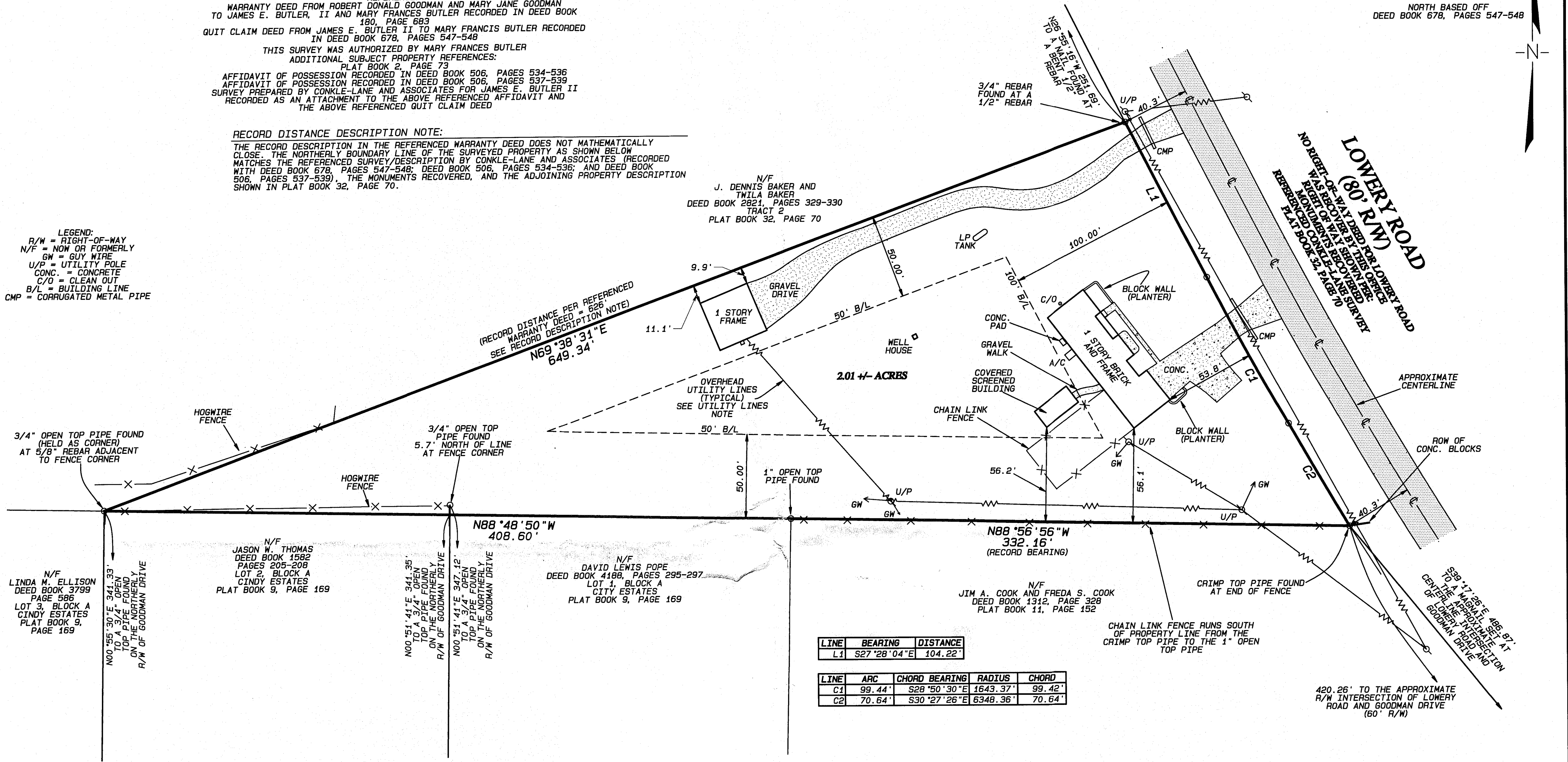
# RETRACEMENT SURVEY

CURRENT OWNER:  
MARY FRANCES BUTLER  
REFERENCE:  
WARRANTY DEED FROM ROBERT DONALD GOODMAN AND MARY JANE GOODMAN  
TO JAMES E. BUTLER, II AND MARY FRANCES BUTLER RECORDED IN DEED BOOK  
180, PAGE 683  
QUIT CLAIM DEED FROM JAMES E. BUTLER II TO MARY FRANCES BUTLER RECORDED  
IN DEED BOOK 678, PAGES 547-548  
THIS SURVEY WAS AUTHORIZED BY MARY FRANCES BUTLER  
ADDITIONAL SUBJECT PROPERTY REFERENCES:  
PLAT BOOK 2, PAGE 73  
AFFIDAVIT OF POSSESSION RECORDED IN DEED BOOK 506, PAGES 534-536  
AFFIDAVIT OF POSSESSION RECORDED IN DEED BOOK 506, PAGES 537-539  
SURVEY PREPARED BY CONKLE-LANE AND ASSOCIATES FOR JAMES E. BUTLER II  
RECORDED AS AN ATTACHMENT TO THE ABOVE REFERENCED AFFIDAVIT AND  
THE ABOVE REFERENCED QUIT CLAIM DEED

## RECORD DISTANCE DESCRIPTION NOTE:

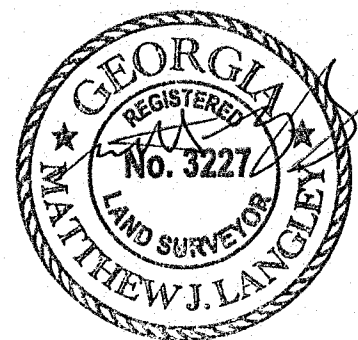
THE RECORD DESCRIPTION IN THE REFERENCED WARRANTY DEED DOES NOT MATHEMATICALLY  
CLOSE. THE NORTHERLY BOUNDARY LINE OF THE SURVEYED PROPERTY AS SHOWN BELOW  
MATCHES THE REFERENCED SURVEY/DESCRIPTION BY CONKLE-LANE AND ASSOCIATES (RECORDED  
WITH DEED BOOK 678, PAGES 547-548; DEED BOOK 506, PAGES 534-536; AND DEED BOOK  
506, PAGES 537-539). THE MONUMENTS RECOVERED, AND THE ADJOINING PROPERTY DESCRIPTION  
SHOWN IN PLAT BOOK 32, PAGE 70.

LEGEND:  
R/W = RIGHT-OF-WAY  
N/F = NOW OR FORMERLY  
GW = GUY WIRE  
U/P = UTILITY POLE  
CONC. = CONCRETE  
C/O = CLEAN OUT  
B/L = BUILDING LINE  
CMP = CORRUGATED METAL PIPE



LINE	BEARING	DISTANCE
L1	S27°28'04\"E	104.22'

LINE	ARC	CHORD BEARING	RADIUS	CHORD
C1	99.44'	S28°50'30\"E	1643.37'	99.42'
C2	70.64'	S30°27'26\"E	6348.36'	70.64'



THIS IS TO CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL  
STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE  
RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND  
SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
RULE 180-6-.09 THE TERM CERTIFICATION RELATING TO LAND SURVEYING  
SERVICES, AS DEFINED IN O.C.G.A. 43-15-2(6) AND (11) SHALL MEAN A SIGNED  
STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A  
GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY  
NAMED HEREON. SAID PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR  
ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE  
UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES,  
REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING  
TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK  
LINES, BUFFERS, AND OTHER SIMILAR MATTERS. NO LIABILITY IS ASSUMED FOR LOSS  
RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH  
OF THE PROPERTY.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING  
ORDINANCES, ENVIRONMENTAL RESTRICTIONS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN,  
RECORDED OR NOT RECORDED.

## UTILITY LINES NOTE:

NO EASEMENT FOR THE UTILITY LINES SHOWN WAS RECOVERED BY  
OR PROVIDED TO THIS OFFICE DURING THE COUSE OF THIS SURVEY.  
THESE LINES ARE SUBJECT TO ANY CLAIM TO EASEMENT.

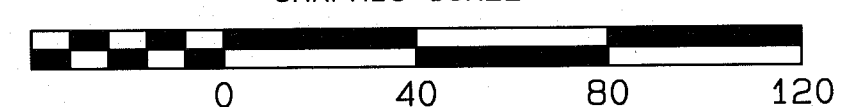
W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE  
OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES. BEFORE ANY LAND  
DISTURBANCE ACTIVITY BEGINS, UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND  
LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR  
DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES  
AND/OR STRUCTURES.

UNLESS OTHERWISE STATED, ONLY EVIDENCE OF EASEMENTS OR STRUCTURES THERETO  
WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF THE PREMISES  
ARE SHOWN. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED OR BY W.D. GRAY AND  
ASSOCIATES, INC. FOR LOSS OR DAMAGES RELATING TO THE EXISTENCE OF ANY  
EASEMENT NOT DISCOVERED FROM THE CASUAL ABOVE GROUND VIEW OF THE PREMISES.

ALL BUILDING RESTRICTIONS INCLUDING BUT NOT LIMITED TO BUILDING SETBACKS,  
WATERSHED BUFFERS, WATERSHED SETBACKS, UNDISTURBED BUFFERS, ETC. SHOULD BE  
INTERPRETED AND VERIFIED BY THE PROPER GOVERNING AUTHORITY BEFORE ANY LAND  
PLANNING AND/OR LAND DISTURBANCE ACTIVITY BEGINS.

NOTE:  
BUILDING LINES SHOWN ARE PER PHONE CONVERSATION WITH  
PETE FRISINA, FAYETTE COUNTY PLANNING AND ZONING DEPARTMENT,  
ON FEBRUARY 16, 2017.

GRAPHIC SCALE 1"=40'



CLOSURE DATA  
FIELD CLOSURE = 1' : 44,906  
ANGLE POINT ERROR = < 4"  
EQUIPMENT USED: GEOMAX ZOOM 90  
ADJUSTMENT METHOD: NONE  
PLAT CLOSURE = 1' : 423,546

IN MY OPINION, THIS PROPERTY DOES NOT  
LIE WITHIN THE 100 YEAR FLOOD PLAIN AS  
SHOWN ON THE FLOOD INSURANCE  
RATE MAP, 13113C0160E  
DATED: SEPTEMBER 26, 2008

**W.D. Gray and  
Associates, Inc.**

LSF000701

land surveyors - planners

160 Greencastle Road Suite B  
Tyrone, GA 30290

(770) 486-7552 Fax (770) 486-0496

Prepared For:

**MARY FRANCES  
BUTLER**

LAND LOT: 118	DATE OF SURVEY: 02/16/2017
DISTRICT: 4TH	DATE OF DRAWING: 02/17/2017
FAYETTE COUNTY, GA	REV.
SCALE: 1" = 40'	JOB NO: 1702009

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Mary Frances Butler  
MAILING ADDRESS: 7531 Lake Andrea Circle, Mt Dora, FL 32757  
PHONE: 404-444-4565 E-MAIL: mfbutler99@yahoo.com  
AGENT FOR OWNERS: Jay McCoy  
MAILING ADDRESS: 2119 Grant Ave; McDonough, GA 30252  
PHONE: 770-310-4129 E-MAIL: jmcody@excel-build.com  
PROPERTY LOCATION: LAND LOT 118 LAND DISTRICT 4th PARCEL \_\_\_\_\_  
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.03  
ZONING DISTRICT: 4th AR  
ZONING OF SURROUNDING PROPERTIES: AR  
PRESENT USE OF SUBJECT PROPERTY: Residential  
PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-646-17

[ ] Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

[✓] Application and all required supporting documentation is Sufficient and Complete

by Staff: C. Br. Date: 2/17/2017

DATE OF ZONING BOARD OF APPEALS HEARING: March 27, 2017

Received from Mary Frances Butler a check in the amount of \$ 175<sup>00</sup>

for application filing fee, and \$ 20<sup>00</sup> for deposit on frame for public hearing sign(s).

Date Paid: February 17, 2017

Receipt Number: 5667549 - sign  
5667512 - ZBA App.

## VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
1. Variance to Sec. 110-125.(d)(6) to reduce side yard setback from 50 to nine (9) feet to allow an existing accessory structure to remain	50 feet	9 feet	41 feet

## VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

\_\_\_\_\_ See attached \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

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See attached

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2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

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See attached

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3. Such conditions are peculiar to the particular piece of property involved.

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See attached

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4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

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See attached

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5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

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See attached

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## VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

- New as-built survey has been ordered.

## JUSTIFICATION OF REQUEST

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
  - It is a non-conforming property = an old property of 2 acres AR; not the 5 acres standard to the current AR zoning.
  - Property is not rectangular in shape, but pie or triangle shaped.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
  - Both the size (2 acres) and shape (triangle) compress the setbacks that would normally fit within a 5 acre plot.
3. Such conditions are peculiar to the particular piece of property involved.
  - Both the size (2 acres) and shape (triangle).
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.
  - Structures on this property have been in place for 10-30 years with no problems or issues arising.
  - Permits were obtained for all structures built.
5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.
  - Permits were obtained for all structures built with no complaints or issues arising.



# PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Mary Frances Butler

Please Print Names

Property Tax Identification Number(s) of Subject Property: 04-18-003

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) 18 of the District, and said property consists of a total of 2.03 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to \_\_\_\_\_ to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

Mary Frances Butler  
Signature of Property Owner 1

7531 Lake Andrea Circle  
Address MT Dora, FL 32757

\_\_\_\_\_  
Signature of Property Owner 2

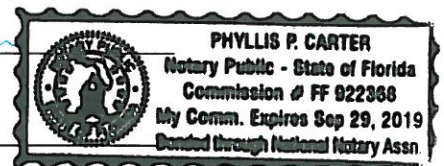
\_\_\_\_\_  
Address

[Signature]  
Signature of Authorized Agent

2619 Grant Ave; McDonough, GA  
Address 30252

Phyllis P. Carter  
Signature of Notary Public

2/10/17  
Date

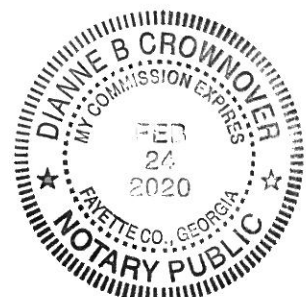


Alianne B. Crownover  
Signature of Notary Public

3-9-17  
Date

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date



## Pete Frisina

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**From:** Chanelle Blaine  
**Sent:** Thursday, April 13, 2017 9:32 AM  
**To:** Pete Frisina  
**Subject:** FW: Variance A-648-17

Below is Mr. Taylor's withdrawal request for the variance.

Chanelle

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**From:** Michael J Taylor [<mailto:mjtinga@comcast.net>]  
**Sent:** Thursday, April 13, 2017 8:53 AM  
**To:** Chanelle Blaine  
**Subject:** Variance A-648-17

Please be advised that we no longer desire to proceed with the variance for a carport to be built within 15 feet of any property line at 1060 Oak Ridge Drive, Fayetteville Ga. 30214.

Thank you for your help.

Michael J Taylor  
770-486-5588

**PETITION NO. A-649-17**  
**Thomas Lynch**  
**185 White Road**  
**Fayetteville, GA 30214**  
**Public Hearing Date April 24, 2017**

The subject property is located at 185 White Road, Fayetteville, Georgia 30214 in the Fernwood Estates subdivision and is zoned R-40. The applicant is requesting a Variance as follows:

Variance to Section 110-79. (d) Location on lot. To allow the construction of a detached accessory structure located in the front yard.

**History:** The Final Plat for Fernwood Estates was recorded on August 28, 1975. Tax Assessor's records indicate that the house was built in 1979.

The applicant provides the following information:

**VARIANCE SUMMARY**

**Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.**

Per Sec 110-79 #4 (d) (1) d. No more than 50% of the footprint of the garage can be located beyond the front building line of the principal structure. We believe we are very close to the 50%, we almost didn't have to get a variance. Reasons for the request for a variance are stated in the 5 points below.

**JUSTIFICATION OF REQUEST**

**The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.**

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

The house is located very far back on the 3 acre lot on a hill. There is a septic tank, drain field, electrical pole and wires staking the electrical pole into the ground, and a fence preventing the carport from being located in the back yard. See drawing.

**PETITION NO. A-650-17**  
**Kent M. Leonard**  
**180 Southmill Lane**  
**Senoia, GA 30276**  
**Public Hearing Date April 24, 2017**

The subject property is located at 180 Southmill Lane, Senoia, GA 30276 in the Southmill subdivision and is zoned Conservation-Subdivision (C-S.) The applicant is requesting a Variance as follows:

Variance to Section 110-79. (f) (5) to reduce rear yard setback from 30 feet to 11 feet to allow the construction of a swimming pool.

**History:** Rezoning petition 1208-08, A-R to C-S, was approved on April 24, 2008. The Final Plat for Southmill was recorded on February 21, 2014.

The applicant provides the following information:

**VARIANCE SUMMARY**

**Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.**

I am seeking relief from the 30' build line offset from the southwest property line of my residence (Parcel number 0604 055) for the construction of an HOA approved in ground swimming pool. Please see attached plat for a depiction of the pool construction.

**JUSTIFICATION OF REQUEST**

**The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.**

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

Due to the "wedge" shape of my property and the associated offsets, the placement of a swimming pool is overly difficult even though my property resides on 1 acre of land. The intent and spirit behind the regulatory offsets will not be hindered should relief from the 30' building line be granted.

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

With respect to my property, there are only 2 potential locations for a pool. One being directly behind the house, the second, in the desired and HOA approved location to the southwest of the home. Installing the pool directly behind the house would create great hardship as it would require the excavation removal, and reinstallation of my entire septic system which would be very costly and inefficient. In addition, my desired pool would not fit in the space directly behind my home.

3. **Such conditions are peculiar to the particular piece of property involved; and,**

The desired pool location in question is peculiar in that it will not hinder the aesthetic appearance of the adjacent property (Parcel 0604 065) as this is greenbelt land owned by HOA. There is no intention of building any property, structure or otherwise on this parcel.

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

There will be no impact on the neighborhood appearance, nor will the pool being built at the desired location cause any hardship or impairment to the view of any neighbor.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed.**

The literal interpretation of the 30' building line offset was for the aesthetic appearance of the neighborhood, not having structures too close to each other. Since no property will ever be built on the adjacent land, intruding upon the mandated 30' offset will not cause a detriment whatsoever to the architecture or essence of the neighborhood.

#### **DEPARTMENTAL COMMENTS**

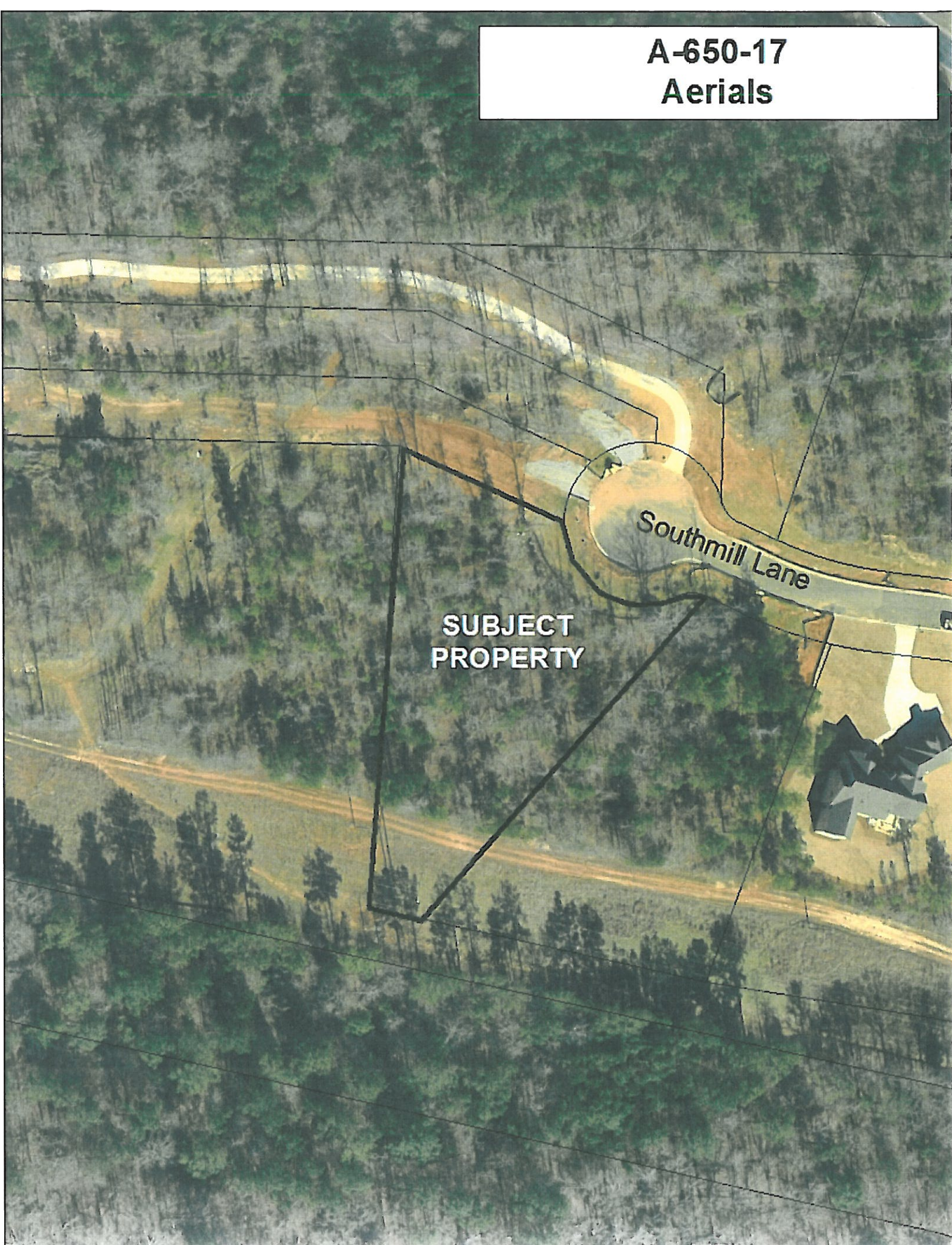
**ENVIRONMENTAL HEALTH:** A-650-17: 180 Southmill Lane. No objections to proposed variance. Department has already reviewed and approved proposed pool in relation to septic system.



**A-650-17**  
**Aerials**

**SUBJECT  
PROPERTY**

**Southmill Lane**





**Southmill Fayette HOA, Inc.**

P.O. Box 536  
Sharpsburg, GA 30277  
678-423-0555

**NOTICE OF APPROVAL  
Southmill Fayette HOA, Inc.**

March 15, 2017

Kent M. Leonard  
180 Southmill Lane

RE: 180 Southmill Lane

Dear Owner:

Your Request for Architectural Change as been approved. You have approval to proceed with the following:

**Installation of in ground pool as specified in the request submitted 08/23/2016.**

We reserve the right to make a final inspection of the change to make sure it matches the Request you submitted for Approval. Please follow the plan you submitted or submit an additional Request form if you cannot follow the original plan.

You must follow all local building codes, setback requirements and/or approved variances when making this change. A Building Permit may be needed. This can be applied for at the Count/City offices.

Our approval here is only based on the aesthetics of your proposed change. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose. Be aware that you are responsible for contacting the appropriate Utility Companies before digging.

We appreciate your cooperation in submitting this Request for Approval. An attractive Community helps all of us get the full value from our homes when we decide to sell.

Sincerely,

Steve Harrelson  
Southmill Fayette HOA, Inc.

## Building Line Variance Request at 180 Southmill Ln.

To our neighbors of Southmill:

We are currently applying for a variance to the local zoning regulations of our property such to allow an in ground pool. Specifically we are seeking relief from the 30' building line offset from our southwest property line. We will be appearing before the Fayette County Zoning Board on April 24, 2017 with our request.

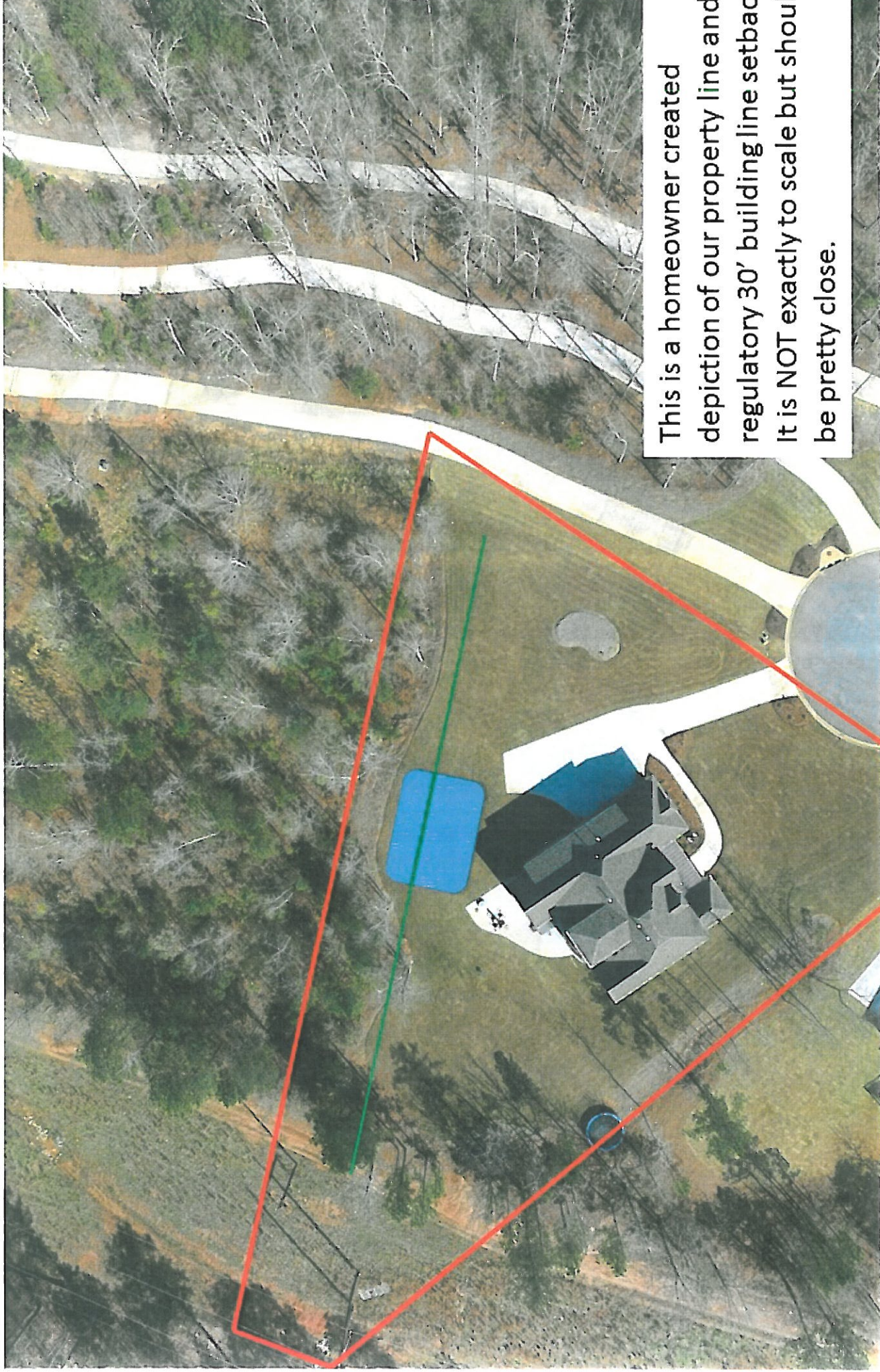
By signing below you have no objections to our variance request.

NAME	ADDRESS	SIGNATURE
1. <u>JEFF EICKMANN</u>	<u>100 SOUTHMILL LN</u>	<u>Jeff Eickmann</u>
2. <u>LISA IVASKA</u>	<u>120 Southmill Ln</u>	<u>L.M. Ivaska</u>
3. <u>Kellie Moreman</u>	<u>125 Southmill Lane</u>	<u>Kellie Moreman</u>
4. <u>Ulrich Van Landeghem</u>	<u>150 Southmill Lane</u>	<u>Ulrich Van Landeghem</u>
5. <u>Margaret Smith</u>	<u>145 Southmill Ln</u>	<u>Margaret Smith</u>
6. <u>VAISHALI PATEL</u>	<u>175 SOUTHMILL LN</u>	<u>Vaishali Patel</u>
7. <u>Darby Jones</u>	<u>165 Southmill Lane</u>	<u>Darby Jones</u>
8. <u>Lisa M. King</u>	<u>185 Southmill Ln</u>	<u>L.M. King</u>
9. <u>PAIGE VADEK</u>	<u>155 SOUTHMILL LN</u>	<u>Paige Vadek</u>
10. <u>Angela Taylor</u>	<u>160 Southmill Ln</u>	<u>Angela Taylor</u>
11. <u>Wermine Tawadros</u>	<u>105 Southmill Lane</u>	<u>Wermine Tawadros</u>
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____









This is a homeowner created depiction of our property line and regulatory 30' building line setback. It is NOT exactly to scale but should be pretty close.



7124  
Rev to slab

RECEIVED

AUG 18 2015

FAYETTE COUNTY  
REGISTERED PROFESSIONAL SURVEYOR

AS PER OFFICIAL F.I.R.M. MAP 1311300134E, DATED 9/26/08  
THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA.

IN MY OPINION, THIS IS A TRUE AND CORRECT  
REPRESENTATION OF THE PLATTED PROPERTY  
AND HAS BEEN PREPARED IN CONFORMITY WITH  
THE STANDARDS AND REQUIREMENTS OF LAW

RANDY MCLEAN  
GEORGIA R.L.S. #2703

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT  
TITLE, THEREFORE, THE UNDERSIGNED AND MCLEAN SURVEYING, INC.,  
MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION  
SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK  
LINES, AGREEMENTS, RESERVATIONS AND OTHER SIMILAR MATTERS

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES NAMED  
ON THE SURVEY AND/OR THE CERTIFICATION ANY USE BY OTHER  
PARTIES NOT NAMED IS AT THEIR OWN RISK. THIS PLAT IS NOT  
VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE  
REGISTRANT ACROSS THE REGISTRANT'S SEAL.

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	120.49	60.00	101.24
C2	21.68	25.00	21.00

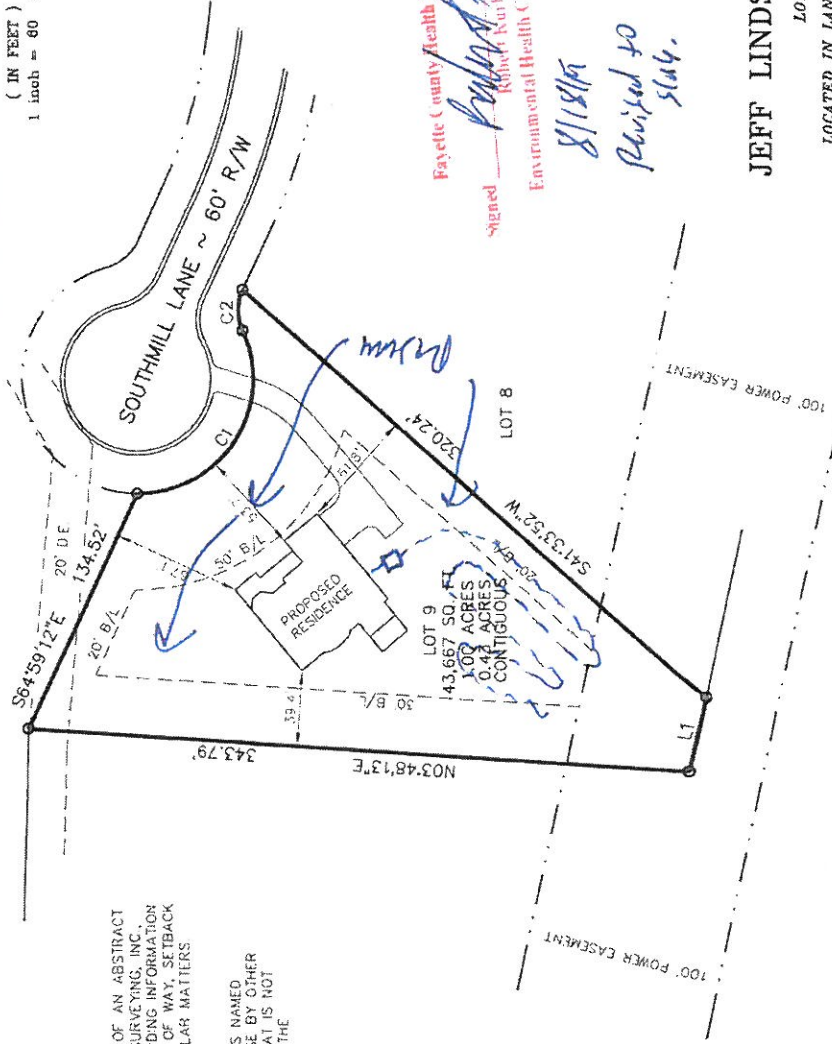
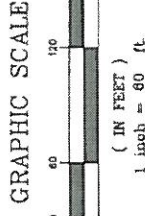
#### LEGEND

R/W ----- RIGHT OF WAY  
I.P.F. ----- IRON PIN FOUND  
I.P.P. ----- IRON PIN PLACED  
C.T. ----- CRIMPED TOP PIPE  
R.B. ----- REINFORCING BAR  
O.T. ----- OPEN TOP PIPE  
N/F ----- NOW OR FORMERLY  
B.L. ----- BUILDING LINE

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS  
A CLOSURE PRECISION OF ONE FOOT IN \_\_\_\_\_ PER ANGLE  
FEET AND AN ANGULAR ERROR OF \_\_\_\_\_ PER ANGLE  
POINT AND WAS ADJUSTED USING \_\_\_\_\_ RULE.  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND  
IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN  
\_\_\_\_\_ FEET.

TYPE OF EQUIPMENT USED: TOPCON GTS 313

LINE TABLE		
LINE	LENGTH	BEARING
L1	39.20	N77°33'11"W



Fayette County Health Department  
Environmental Health Counts Manager  
Signed: Robert Kubes  
8/18/15  
Revised to slab.



SURVEY FOR  
**JEFF LINDSEY COMMUNITIES**  
LOT 8 SOUTHMILL

LOCATED IN LAND LOT XX OF THE XX DISTRICT  
**FAYETTE COUNTY GEORGIA**

SCALE: 1" = 60' DATE: MAY 28, 2015  
PROJECT NAME: 15-184  
JOB NUMBER: 15-184

PREPARED BY  
**MCLEAN SURVEYING, INC.**

LAND SURVEYING LAND PLANNING ENGINEERING SERVICES  
6 MADISON STREET NEWNAN, GEORGIA 30263  
PHONE: 770-351-8523 - FAX: 770-254-8905 - EMAIL: mclan@mcleanllc.org

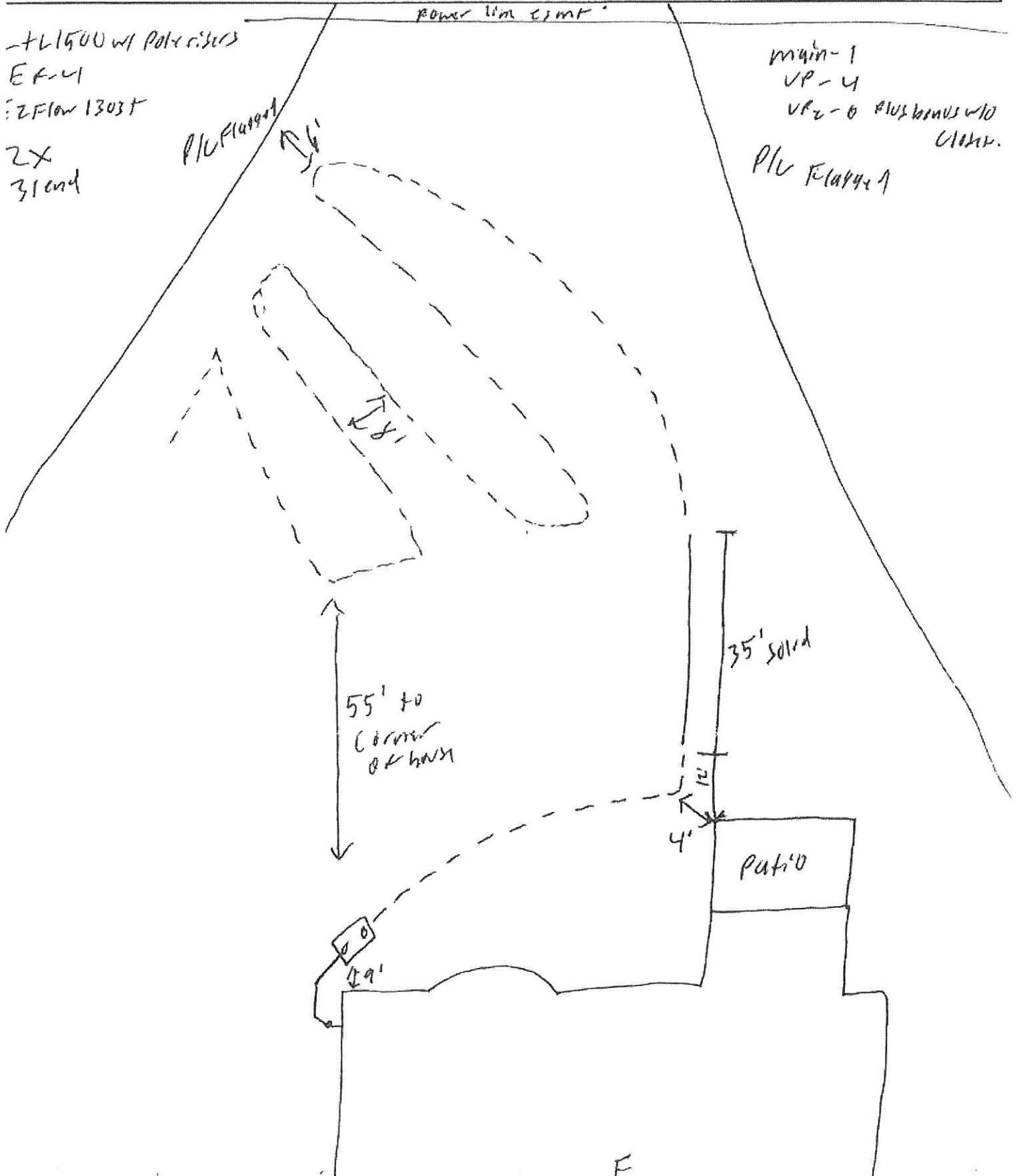
County: Fayette

Permit Number: OSC05601751

Property Address: 180 SOUTHMILL LN FAYETTEVILLE, GA 30215

Property Owner: Jeff Lindsey Communities

Remarks: System checked with level and rod. Hold final approval pending verification that final grade results in no swales or concentrated surface water within 15' of system.



AS PER OFFICIAL F.I.R.M. MAP 13113C0134E, DATED 9/26/08  
THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA.

IN MY OPINION, THIS IS A TRUE AND CORRECT  
REPRESENTATION OF THE PLATTED PROPERTY  
AND HAS BEEN PREPARED IN CONFORMITY WITH  
THE STANDARDS AND REQUIREMENTS OF LAW

RANDY MCCLAIN  
GEORGIA R.L.S. #2703

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT  
TITLE; THEREFORE, THE UNDERSIGNED AND MCCLAIN SURVEYING, INC.,  
MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION  
SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK  
LINES, AGREEMENTS, RESERVATIONS AND OTHER SIMILAR MATTERS.

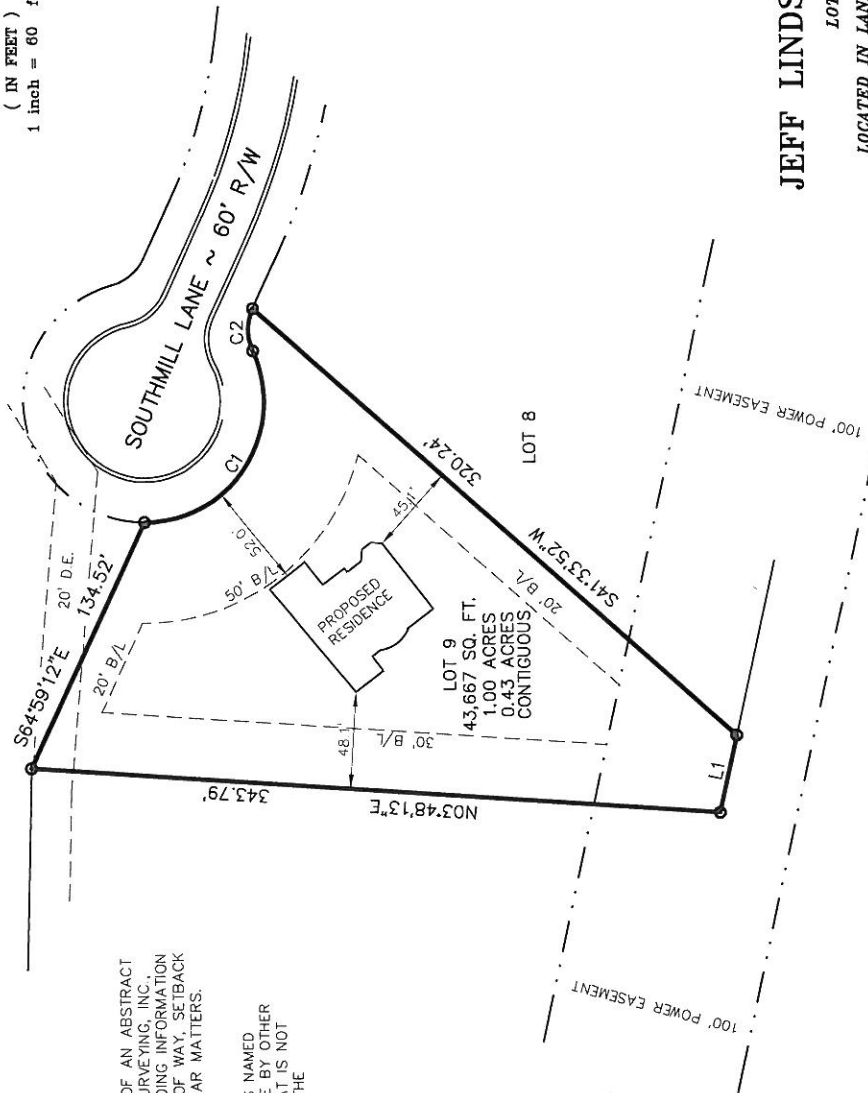
THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES NAMED  
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REGISTRANT ACROSS THE REGISTRANT'S SEAL.

LINE TABLE		
LINE	LENGTH	BEARING
L1	39.20	N77°33'11"W

GRAPHIC SCALE



( IN FEET )  
1 inch = 60 ft.



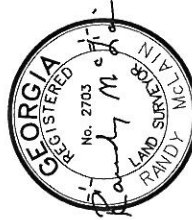
CURVE TABLE			
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# LEGEND

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O.T. -----OPEN TOP PIPE  
N/F -----NOW OR FORMERLY  
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THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS  
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FEET AND AN ANGULAR ERROR OF \_\_\_\_\_ PER ANGLE  
POINT AND WAS ADJUSTED USING \_\_\_\_\_ RULE.  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND  
IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN  
\_\_\_\_\_ FEET.

TYPE OF EQUIPMENT USED: TOPCON GTS 313



SURVEY FOR

**JEFF LINDSEY COMMUNITIES**

LOT 13 SOUTHMILL

LOCATED IN LAND LOT 8 OF THE 6TH DISTRICT

**FAYETTE COUNTY GEORGIA**

SCALE: 1" = 60' DATE: OCTOBER 1, 2015  
PROJECT NAME: 15-184  
JOB NUMBER: 15-184

PREPARED BY  
**McCLAIN SURVEYING, INC.**

LAND SURVEYING LAND PLANNING ENGINEERING SERVICES  
6 MADISON STREET NEWNAN, GEORGIA 30263  
PHONE: 770-251-8523 - FAX: 770-254-8505 - EMAIL: tmcclain@mcclain.org



# GoMaps



January 18, 2017

1:1,128

0	0.0075	0.015	0.03 mi
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Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



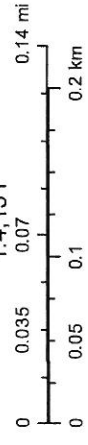
# GoMaps



February 27, 2017

☐ Parcels

1:4,131



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Kent M Leonard

MAILING ADDRESS: 180 Southmill Lane, Senoia, GA 30276

PHONE: 757-560-3088 E-MAIL: ranger3484@yahoo.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: LAND LOT 8 LAND DISTRICT 6<sup>th</sup> PARCEL 0604 055

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1 acre

ZONING DISTRICT: C-3

ZONING OF SURROUNDING PROPERTIES: A-R, PUD-PRD

PRESENT USE OF SUBJECT PROPERTY: Primary Residence

PROPOSED USE OF SUBJECT PROPERTY: Building a private in ground swimming pool

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-650-17

[ ] Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

[✓] Application and all required supporting documentation is Sufficient and Complete

by Staff: C. H. Date: 3/17/2017

DATE OF ZONING BOARD OF APPEALS HEARING: April 24, 2017

Received from Kent Leonard a check in the amount of \$ 175<sup>00</sup>

for application filing fee, and \$ 20 for deposit on frame for public hearing sign(s).

Date Paid: March 14, 2017 Receipt Number: \_\_\_\_\_



## PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

*(Applications require authorization by ALL property owners of subject property).*

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Kent M. Leonard

Please Print Names

Property Tax Identification Number(s) of Subject Property: \_\_\_\_\_

**(I am) (we are)** the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the \_\_\_\_\_ District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the District, and said property consists of a total of \_\_\_\_\_ 1 \_\_\_\_\_ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

**(I) (We)** hereby delegate authority to \_\_\_\_\_ to act as **(my) (our)** Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

**(I) (We)** certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of **(my) (our)** knowledge and belief. Further, **(I) (We)** understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. **(I) (We)** understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. **(I) (We)** further acknowledge that additional information may be required by Fayette County in order to process this application.

  
\_\_\_\_\_  
Signature of Property Owner 1

180 Southmill Ln, Senoia, GA  
\_\_\_\_\_  
Address 30276

  
\_\_\_\_\_  
Signature of Notary Public

3/14/17  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner 2

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

### VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec. 110-126(f)(5)	Rear yard setback: 30 feet	11 feet	19 feet

### VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

I am seeking relief from the 30' build line offset from the southwest property line of my  
residence (Parcel number 0604 055) for the construction of an HOA approved in ground  
swimming pool. Please see attached plat for a depiction of the pool construction.

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## JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

Due to the "wedge" shape of my property and the associated offsets, the placement of a

swimming pool is overly difficult even though my property resides on 1 acre of land. The

intent and spirit behind the regulatory offsets will not be hindered should relief from the 30'

building line be granted.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

With respect to my property, there are only 2 potential locations for a pool. One being directly behind the house, the

second, in the desired and HOA approved location to the southwest of the home. Installing

the pool directly behind the house would create great hardship as it would require the excavation

removal, and reinstallation of my entire septic system which would be very costly and inefficient.

In addition, my desired pool would not fit in the space directly behind my home.

3. Such conditions are peculiar to the particular piece of property involved.

The desired pool location in question is peculiar in that it will not hinder the aesthetic

appearance of the adjacent property (Parcel 0604 065) as this is greenbelt land owned by

HOA. There is no intent of building any property, structure or otherwise on this parcel.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

There will be no impact on the neighborhood appearance, nor will the pool being built at

the desired location cause any hardship or impairment to the view of any neighbor.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

The literal interpretation of the 30' building line offset was for the aesthetic appearance of the neighborhood,

not having structures too close to each other. Since no property will ever be built on the

adjacent land, intruding upon the mandated 30' offset will not cause a detriment whatsoever

to the architecture or essence of the neighborhood.



3109.4.1.2 Barrier height and clearance. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure. The maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

109.4.1.3 Gates. Access gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 and shall be equipped to accommodate a latching device. Patented access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than patented access gates shall have a self-latching device. Release mechanisms shall be in accordance with Sections 1008.1.8 and 1009.1.3. Where the release mechanism of the self-latching device is located less than 54 inches (1371 mm) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least 5 inches (127 mm) below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.4.1.8 Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are closed and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means, such as touchpad or switch, to temporarily reactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. In dwellings not required to be Accessible, Type A or Type B units, the deactivation switch shall be located 54 inches (1371 mm) above the threshold of the door. In dwellings required to be Accessible, Type A or Type B units, the deactivation switch(es) shall be located at 54 inches (1371 mm) maximum and 48 inches minimum above the threshold of the door.

2. The pool shall be enclosed with a power safety cover which complies with ASTM F 1346. 3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the administrative authority, shall be accepted as long as the degree of protection afforded is not less than the protection afforded by Section 3109.4.1.8, Item 1 or 2.

LAYOUT & SLEEVING NOTES

- CONTRACTOR SHALL REPORT ANY PLAN DISCREPANCIES TO LANDSCAPE DESIGNER FOR CLARIFICATION PRIOR TO PROCEEDING.
- CONTRACTOR SHALL CALL UTILITY LOCATE REQUEST PRIOR TO DIGGING TO IDENTIFY ANY EXISTING UNDERGROUND UTILITY SERVICE. ANY DISRUPTION TO ANY EXISTING UTILITY SERVICE SHALL BE REPAIRED AT NO EXPENSE TO THE OWNER OR THE LANDSCAPE DESIGNER.
- CONTRACTOR TO STAKE OUT POOL LOCATION AND ALL PAVING WITH GRADE STAKES FOR LANDSCAPE DESIGNER APPROVAL PRIOR TO FORMING.
- GRADES AND SLOPES OF GRASED TERRACES & CONCRETE CURBS FORMING TO BE APPROVED IN FIELD BY LANDSCAPE DESIGNER PRIOR TO CONCRETE POUR.
- LAYOUT AND GRADING OF PAVED AREAS ARE SUBJECT TO APPROVAL BY LANDSCAPE DESIGNER PRIOR TO ANY POURING.
- CONTRACTOR SHALL BE RESPONSIBLE FOR POSITIVE DRAINAGE OF ALL PAVED AREAS. ANY "BIRD BATH" OR WATER PONDING ON ANY CONCRETE SURFACE TO BE REPAIRED AT NO EXPENSE TO OWNER OR LANDSCAPE DESIGNER.
- GENERAL CONTRACTOR RESPONSIBLE FOR COORDINATION AND INSTALLATION OF SLEEVES AT LOCATIONS SHOWN ON THIS SHEET.
- ALL SLEEVES LOCATIONS TO CONTAIN (2) 4" SCHEDULE 40 PVC PIPES SLEEVES TO BE LOCATED DIRECTLY UNDER PAVEMENT AND DIRECTLY ON TOP OF FOOTING WHEN SLEEVING THROUGH WALLS.
- ENDS OF SLEEVES TO BE CAPPED WITH PVC CAPS AND MARKED WITH A FLAG. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING FLAG LOCATION.



24 HOUR JOB CONTACT Jeff Maday: 678-614-0703

Pool Contractor to ground pool & wire pump, filter, motor, and lights as per code to existing service panel. Also included: 24 hr time clock, freeze protector and if applicable any electronic controls and air blowers.

SOUTHMILL LN.

20' D.E.  
20' D.E.

20' D.E.  
20' B/L

ACCESS

Driveway  
2,340 FT<sup>2</sup>

EXISTING HOME  
\*DOOR ALARMS PER CODE  
\*MAIN DRAINS PER CODE  
\*FENCE/GATES/LATCHES PER CODE

Electrical  
Meter  
Equipment  
Location  
With Heater

Proposed Gate

Proposed Fence

Proposed Pool

Impervious

Impervious

Impervious

715 FT<sup>2</sup>

Silt Fence

Drainage

20' B/L

30' B/L

673 FT<sup>2</sup>

100' Power Easement

## PLUMBING & EQUIPMENT

QUANTITY	SIZE	DESCRIPTION
1	1.0	Jandy filter pump 1.0 HP
1	5.0	Jandy feature pump 5.0 HP
1	-	Jandy Heat pump
1	-	Chemical feeder
1	3/4 HP	PB4-60 Polaris booster pump
1	-	Jandy Aqualink RS8 PDA system
-	-	Polaris 3900 vac sweep automatic
1	2.0	2.0 HP Edge pump
-	-	Jet pump
3	-	Pool LED lights
-	-	Spa LED Light
1	9"	AQUASTAR (VGB APPROVED) POOL DRAIN
-	-	Spa drains
-	-	Relief valve
-	-	Vacuum fitting
-	-	Pool returns
-	-	Spa returns
-	MAX 5'	Overflow
1	-	8 -16 vac pole
1	-	Alum. back wall brush
1	-	Nycon 820 N skimmer net
-	-	At start up
-	-	-
-	-	-

FITTINGS: Returns Main Drains  
Polaris Spa Jets  
Umbrella Holder

## WORK NOT INCLUDED IN CONTRACT

## ■ POOL SPECS

SIZE: 40' x 19' x 17' PERIMETER: 115

AREA (ft.<sup>2</sup>): 718 ft.<sup>2</sup> I.A.: 1200

GALLONS: 23,700 DEPTH: 3' - 7'

PLASTER: Pebble-standard SKIMMERS: 2

EXPOSED BEAM: N | A

COPING: stone

RAISED BEAM (l.f.): N | A

RAISED BEAM (ft.<sup>2</sup> facing): N | A

INFINITY EDGE WALL (l.f.): 18'

SUN SHELF DEPTH: 6"

TILE (ft.<sup>2</sup>): 75 BENCH LENGTH: 18'

WATER FEATURES: N | A

OTHER: \_\_\_\_\_

## ■ SPA SPECS

SIZE: N | A RAISED HEIGHT: N | A

COPING (l.f.): N | A SPA FACING (ft.<sup>2</sup>): N | A

SPA JETS: N | A

SPILLWAY: N | A AIR BLOWER: N | A

OUTSIDE FOOTING (l.f.): N | A

## ■ DECKING / MASONRY

TOTAL SF: SEE NOTES

STEPS (l.f.): N | A

RAISED WALL/BENCH (l.f.): N | A

RAISED WALL/BENCH (ft.<sup>2</sup> facing): N | A

PLANTER WALL (l.f.): N | A

PLANTER WALL (ft.<sup>2</sup> facing): N | A

RETAINING WALL(l.f.): N | A

RETAINING WALL(ft.<sup>2</sup> facing): N | A

DRAIN TYPE:(l.f.) N | A

## ■ ACCESS & DEMO

DIRT HAUL / STAY: STAY

TIGHT/REG ACCESS: Regular

DEMO DETAILS: N | A

STUMPS: N | A

TREES/SHRUBS: N | A



Selective Designs, L.L.C.  
105 Depot Court Suite A  
Peachtree City, GA 30269

(770) 631-1550 Direct

(770) 631-1560 Fax

www.selectivedesigns.com

LEONARD RESIDENCE  
180 Southmill Lane  
Senoia, Ga. 30276

utility protection - call three working days before excavation

VERSION

1

Verify all easements/building lines

Scale: 1/16" = 1'- 0"

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

If we were to move the carport to a legal location on the end where our exit for our apartment is (east side), we would have to take our fencing down (see attached pictures), and ask the electric company to move the electrical pole and wires to put the carport at or behind the home on the end where our doors come out of our basement apartment where we will be living. If we were to put the carport at the other end of the house (west side), it would be very difficult and present a hardship to come and go from our lower level apartment, bring packages/groceries home and have to carry them the long distance (from the other end of the lot) at our ages, as we are senior citizens.

3. **Such conditions are peculiar to the particular piece of property involved; and,**

The house is on a hill, the lower level where we, Oliver & Della DeHart, will reside is mostly underground in the basement except on the east end where the patio/French doors are located which is our only outside exit. If we were to put the car port on the west side behind the house we would have to walk the entire length of the house outside and down a hill, at least 77 feet, to get to our only entrance. Otherwise we would have to gain access by going through the main floor of the house and down the basement stairs. Our kids reside in the main 2 floors of the house with their children.

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

The metal car port is a R & B metal structure. It will be a "certified structure" to comply with Fayette County regulations (see attached brochure). The location will be such that the top of the roof (10 ft tall in the center-highest point), will be at the same height as the bottom of the first floor of the main house and will hardly be visible from the road. It will still be over 150' from White Road.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed.**

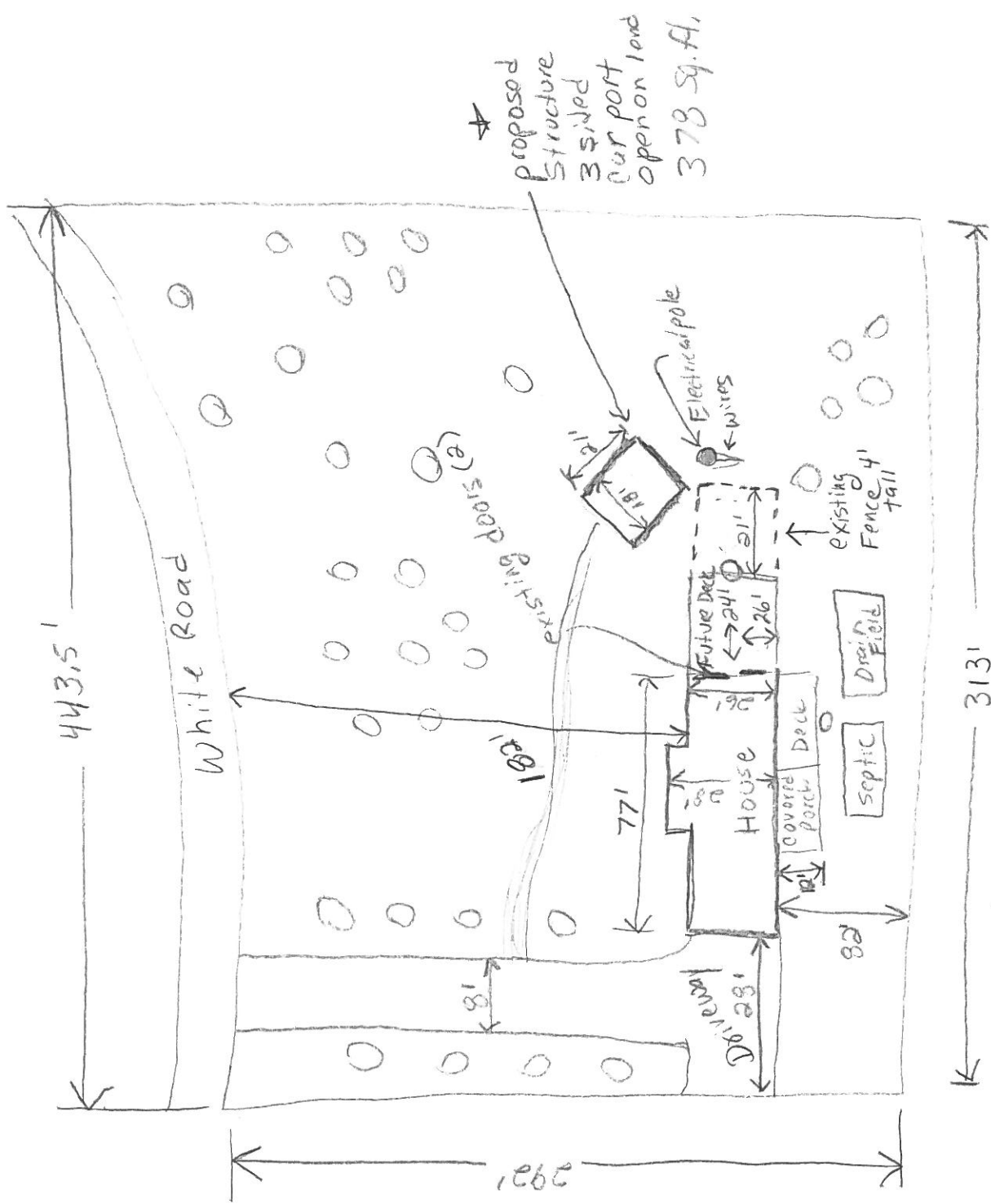
Because surrounding lots are one acre smaller than ours, their homes are much closer to the road, giving these homes more land to build a carport without going beyond the front of their main structure. Their carports are much closer to the road and visible than ours will be if we are granted our variance.

## **DEPARTMENTAL COMMENTS**

**ENVIRONMENTAL HEALTH:** A-649-17: 185 White Road. No objections to proposed variance.

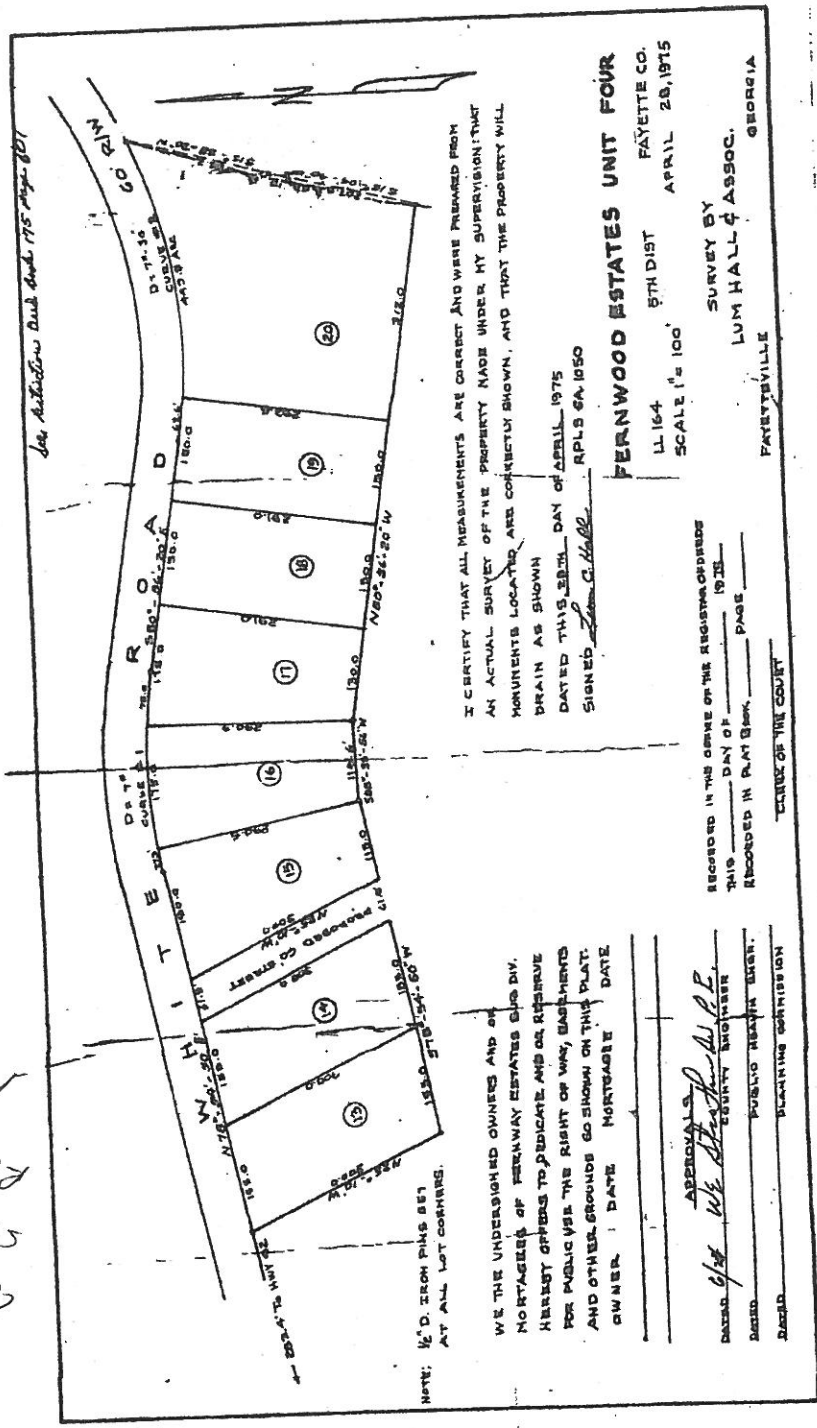
○ = trees

proposed structure  
 Dimensions  
 of proposed carport  
 18' wide 21' long  
 16' tall total  
 R+B metal structure  
 (Brochure attached)  
 certified structure  
 to meet Fayette City  
 standards  
 29 gauge roofing  
 extra bracing  
 concrete anchors in  
 30' Rebar anchors +  
 high wind anchors  
 color - Taupe  
 No windows, no doors,  
 one end open





Oct 27  
Land to 164  
5th District + Fwy.  
10 + 300 ft Fernwood  
Subdivision, Unit 4 Four  
Recorded Plat 600 9  
Page 33

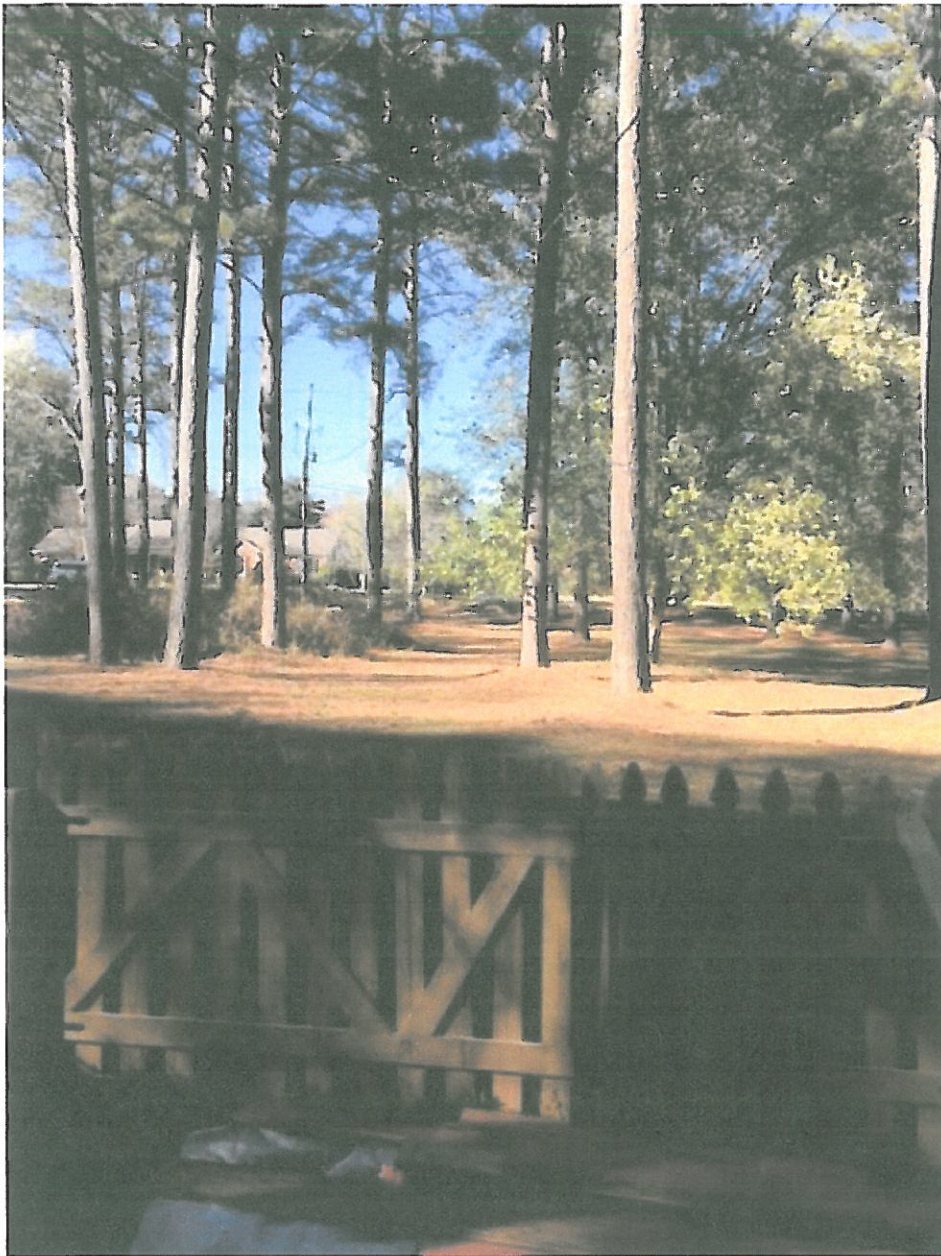


Recorded August 28, 1975 W. A. Ballard, clerk.

Zoned: R-40

Side 15













METAL STRUCTURES

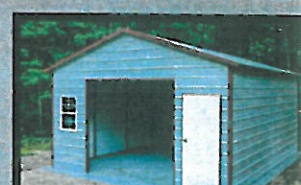
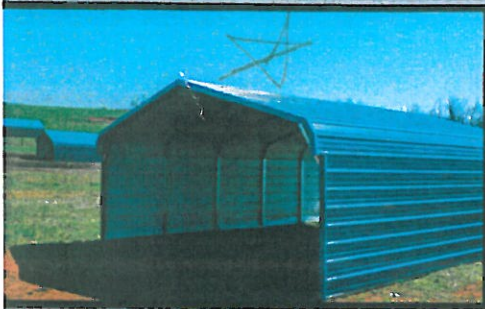
SINCE 2003

18 x 21 x 7' 1/4 poles

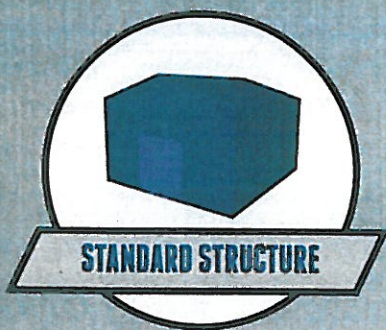
## MANUAL PRICING GUIDE

for Customized Metal Structures

Build your own  
**custom metal structure**  
with our **step-by-step** manual pricing guide.



### 1. STRUCTURE STYLE



STANDARD STRUCTURE

29 Gauge Roofing | 4 Corner Braces  
30" Rebar Anchors OR Concrete Anchors

**10 YEAR**

LIMITED WARRANTY



CERTIFIED STRUCTURE

Up to 130MPH Wind Rating and 20PSF Snow Load  
29 Gauge Roofing | Extra Bracing  
Concrete Anchors OR  
30" Rebar Anchors and High Wind Anchors

**25 YEAR**

EXTENDED WARRANTY

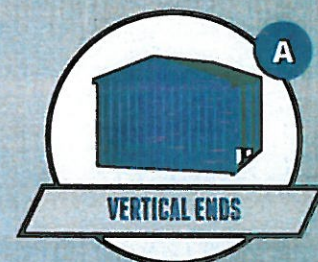
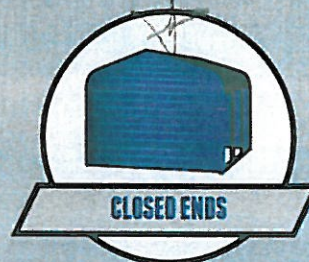
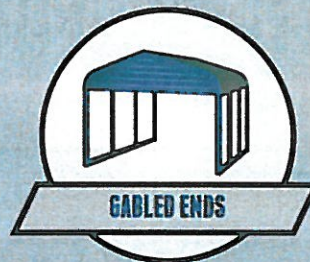
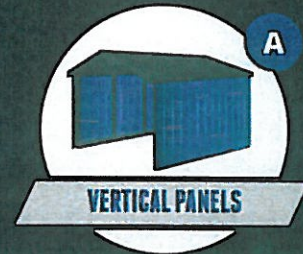
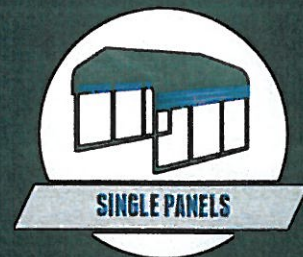
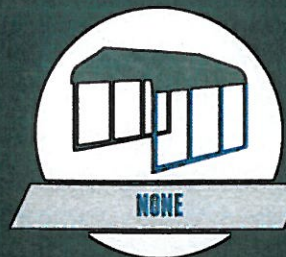
R&B Metal Structures provides **FREE DELIVERY & INSTALLATION** for all Customized Metal Structures.



## 4. WALLS

### STRUCTURE SIDES

	21'	26'	31'	36'	41'
<b>SINGLE PANEL</b>	\$90	\$115	\$125	\$145	\$165
HEIGHT	21'	26'	31'	36'	41'
5'	\$325	\$395	\$475	\$545	\$625
6'	\$350	\$425	\$515	\$575	\$650
7'	\$425	\$485	\$595	\$685	\$785
8'	\$430	\$540	\$635	\$750	\$875
9'	\$450	\$560	\$650	\$795	\$950
10'	\$565	\$695	\$795	\$895	\$995
11'	\$655	\$800	\$895	\$1,100	\$1,240
12'	\$725	\$925	\$1,050	\$1,250	\$1,350
A-FRAME	21'	26'	31'	36'	41'
VERTICAL	+\$200	+\$275	+\$325	+\$400	+\$500



### STRUCTURE ENDS

	12'	18'	20'	22'	24'	26'	28'	30'	36'	40'
<b>GABLED END</b> ✓	\$175 \$200	\$175 \$200	\$175 \$200	\$175 \$200	\$175 \$200	\$225 \$300	\$250 \$325	\$275 \$350	\$325 \$425	\$350 \$450
HEIGHT	12'	18'	20'	22'	24'	26'	28'	30'	36'	40'
5' ✓	\$700 \$800	\$850 \$950	\$1,000 \$1,250	\$1,100 \$1,350	\$1,250 \$1,550	- -	- -	- -	- -	- -
6' ✓	\$750 \$850	\$900 \$1,000	\$1,050 \$1,300	\$1,200 \$1,500	\$1,350 \$1,650	\$1,350 \$1,900	\$1,500 \$2,100	\$1,600 \$2,350	\$1,900 \$2,600	\$2,100 \$2,900
7' ✓	\$850 \$950	\$1,000 \$1,150	\$1,150 \$1,400	\$1,300 \$1,550	\$1,500 \$1,800	\$1,550 \$2,050	\$1,650 \$2,300	\$1,775 \$2,500	\$2,100 \$2,750	\$2,345 \$3,050
8' ✓	\$950 \$1,050	\$1,150 \$1,300	\$1,300 \$1,550	\$1,450 \$1,700	\$1,600 \$1,900	\$1,750 \$2,200	\$1,900 \$2,450	\$2,000 \$2,700	\$2,400 \$2,950	\$2,675 \$3,200
9' ✓	\$1,000 \$1,100	\$1,200 \$1,350	\$1,350 \$1,600	\$1,550 \$1,800	\$1,700 \$2,000	\$1,950 \$2,350	\$2,100 \$2,600	\$2,265 \$2,850	\$2,700 \$3,150	\$3,000 \$3,400
10' ✓	\$1,150 \$1,250	\$1,350 \$1,500	\$1,550 \$1,800	\$1,800 \$2,150	\$2,000 \$2,300	\$2,150 \$2,500	\$2,350 \$2,750	\$2,500 \$3,000	\$3,000 \$3,350	\$3,320 \$3,600
11' ✓	\$1,300 \$1,400	\$1,550 \$1,700	\$1,800 \$2,050	\$2,000 \$2,250	\$2,250 \$2,550	\$2,400 \$2,650	\$2,575 \$2,900	\$2,750 \$3,200	\$3,300 \$3,500	\$3,650 \$3,800
12' ✓	\$1,450 \$1,550	\$1,750 \$1,850	\$2,000 \$2,250	\$2,250 \$2,500	\$2,500 \$2,800	\$2,600 \$2,800	\$2,800 \$3,050	\$3,000 \$3,350	\$3,600 \$3,700	\$4,015 \$4,050
A-FRAME	12'	18'	20'	22'	24'	26'	28'	30'	36'	40'
VERTICAL	+\$200	+\$400	+\$500	+\$650	+\$800	+\$950	+\$1,100	+\$1,250	+\$1,400	+\$1,550

CALL TOLL-FREE for CUSTOM SIZES, HEIGHTS, or for DEALER INQUIRIES by dialing 1-866-238-3501



## VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec 110-79(d)	No structure shall be located in front yard.	Place carport in front yard	N/A

## VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

See attached.

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## JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

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2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

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3. Such conditions are peculiar to the particular piece of property involved.

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4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

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5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

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March 16, 2017

Variance for Oliver & Della DeHart , agents for Alex & Corinna Lynch

Address: 185 White Road, Fayetteville, GA 30214

#### Carport Variance Summary

Per Sec 110-79 #4 (d)(1) d. No more than 50% of the footprint of the garage can be located beyond the front building line of the principal structure. We believe we are very close to the 50%, we almost didn't have to get a variance. Reasons for the request for a variance are stated in the 5 points below.

#### Justification of Request

1. The house is located very far back on the 3 acre lot on a hill. There is a septic tank, drain field, electrical pole and wires staking the electrical pole into the ground, and a fence preventing the carport from being located in the back yard. See drawing.
2. If we were to move the carport to a legal location on the end where our exit for our apartment is (east side), we would have to take our fencing down (see attached pictures), and ask the electric company to move the electrical pole and wires to put the carport at or behind the home on the end where our doors come out of our basement apartment where we will be living. If we were to put the carport at the other end of the house (west side), it would be very difficult and present a hardship to come and go from our lower level apartment, bring packages/groceries home and have to carry them the long distance (from the other end of the lot) at our ages, as we are senior citizens.
3. The house is on a hill, the lower level where we, Oliver & Della DeHart, will reside is mostly underground in the basement except on the east end where the patio/French doors are located which is our only outside exit. If we were to put the car port on the west side behind the house we would have to walk the entire length of the house outside and down a hill, at least 77 feet, to get to our only entrance. Otherwise we would have to gain access by going through the main floor of the house and down the basement stairs. Our kids reside in the main 2 floors of the house with their children.
4. The metal car port is a R & B metal structure. It will be a "certified structure" to comply with Fayette County regulations (see attached brochure). The location will be such that the top of the roof (10 ft tall in the center-highest point), will be at the same height as the bottom of the first floor of the main house and will hardly be visible from the road. It will still be over 150' from White Road.
5. Because surrounding lots are one acre smaller than ours, their homes are much closer to the road, giving these homes more land to build a carport without going beyond the front of their main structure. Their carports are much closer to the road and visible than ours will be if we are granted our variance.



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Thomas Lynch  
MAILING ADDRESS: 185 White Rd. Fayetteville, GA 30214  
PHONE: 770-378-6484 E-MAIL: lynch.rb@gmail.com

AGENT FOR OWNERS: Oliver & Della DeHart

MAILING ADDRESS: 185 White Rd, Fayetteville, GA 30214

PHONE: 770-548-4690 E-MAIL: caymansonsunshine@gmail.com

PROPERTY LOCATION: LAND LOT 164 LAND DISTRICT 5th PARCEL Lot 20 Fernwood Sub. Unit 4

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: approx. 3 acres 053702008

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-649-17

[ ] Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: C.B. Date: 3/16/2017

DATE OF ZONING BOARD OF APPEALS HEARING: April 24, 2017

Received from \_\_\_\_\_ a check in the amount of \$ \_\_\_\_\_

for application filing fee, and \$ \_\_\_\_\_ for deposit on frame for public hearing sign(s).

Date Paid: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

## PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Thomas A. Lynch Corinna J Lynch  
Please Print Names

Property Tax Identification Number(s) of Subject Property: \_\_\_\_\_

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5<sup>th</sup> District, and (if applicable to more than one land district) Land Lot(s) 164 of the District, and said property consists of a total of 3 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Oliver ~~or Delta~~ DeHart to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

T. Alex Lynch  
Signature of Property Owner 1

185 White Rd.  
Address Fayetteville, Ga 30214

[Signature]  
Signature of Property Owner 2

185 White Road, Fayetteville, GA  
Address 30214

Oliver DeHart  
Signature of Authorized Agent

185 White Rd, Fayetteville, GA  
Address 30214

Zaporina Bass  
Signature of Notary Public

3/16/2017  
Date

Zaporina Bass  
Signature of Notary Public

3/16/2017  
Date

[Signature]  
Signature of Notary Public

3-16-2017  
Date

